GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants –Surprise Check conducted over the Boarder Commercial Tax Check Post, Panchalingala, Kurnool on 03-06-2016 – Allegations of Corruption – Common disciplinary proceedings initiated – Inquiry under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges framed against Sri Makam Naga Pullaiah, Junior Assistant - Orders – Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.654 **Dated:18-05-2018**

Read the following:

Ref: 1.From DG,ACB, Lr.NO.59/DES-KUR/2016-S.6, Dt.19.12.2017.
2. From DG,ACB, Lr.NO.59/DES-KUR/2016-S.6, Dt.26.04.2018.
3. G.O.Ms.No.257, Revenue (Vig.II) Dept., dt.18-05-2018.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 3rd read above, it is considered necessary to hold an enquiry against Sri Makam Naga Pullaiah, Junior Assistant, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Makam Naga Pullaiah, Junior Assistant, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Makam Naga Pullaiah, Junior Assistant, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool is further informed that if he does not submit his written statement of defense on or before the date specified in para 2 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri Makam Naga Pullaiah, Junior Assistant, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

To

Sri Makam Naga Pullaiah, Junior Assistant, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool (w.e, Annexures-I to IV)

through the Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Commissioner of Commercial Taxes, Andhra Pradesh, Eeedpugallu,Vijayawada.

The Secretary to Vigilance Commissioner,
Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Deputy Commissioner, Commercial Taxes, Kurnool.

SF / SC.

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI MAKAM NAGA PULLAIAH, JR. ASST, COMMERTIAL TAXES BOARDER CHECK POST, PANCHALINGALA, KRUNOOL.

That, Sri Makam Naga Pullaiah, age 39 yrs, S/o M.Gopala Krishna Murthy, Junior Assistant, Commercial Taxes Boarder Check Post at Panchalingala, Kurnool joined in Government service on 05-08-2011 as Junior Assistant in the O/o the Commercial Tax Officer-I, Nandyal. Now, he is working at Commercial Taxes Boarder Check Post at Panchalingala, Kurnool on deputation from 20-03-2016 to till date i.e. Surprise check dt.03-06-2016, while working in Commercial Taxes Boarder Check Post, Panchalingala, Kurnool on 03/04-06-2016, it is found that he committed grave misconduct in as much as.

Charge: Sri Makam Naga Pullaiah, Junior Assistant while working in Commercial Taxes Boarder Check Post at Panchalingala, Kurnool from 23-03-2016 to 03-06-2016 being a Government servant, in abuse of his official position and willful omission of his lawful duties, Collected illegal & unauthorized amount of Rs.3,170/- as mamools from the Drivers/Cleaners of the lorries and trucks carrying goods/consignments passing through the Commercial Taxes Boarder check post, Panchalingala, Kurnool. During the Surprise Check, When the Deputy Superintendent of Police, Anti Corruption Bureau got searched persons of all the staff of the Commercial Tax Check post, excess amount of Rs.170/- was found with Sri M. Naga Pullaiah, Junior Assistant.

Thus, Sri Makam Naga Pullaiah, Junior Assistant by his above mentioned acts exhibited lack of Integrity, Devotion to duty and Conduct unbecoming of a Government servant and thereby contravened Rules 3(1) and 3(2) of Andhra Pradesh Civil Services (Conduct) Rules,1964.

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN RESPECT OF ARTICLE OF CHARGE FRAMED AGAINST SRI MAKAM NAGA PULLAIAH, JR. ASST, COMMERTIAL TAXES BORDER CHECK POST, PANCHALINGALA, KURNOOL.

Sri Makam Naga Pullaiah, S/o late M.Gopala Krishna Murthy, is a native of Kurnool District. His date of birth is 13-08-1979. He joined in Govt. Service on 05-08-2011 as Jr. Asst., in O/o Commercial Tax Officer-I, Nandyal, Kurnool District. Now, he is working at Commercial Taxes Boarder Check Post at Panchalingala, Kurnool on deputation from 20-03-2016 to till date i.e. Surprise check dt.03-06-2016. He is drawing basic pay of Rs. 20,600/- in the time scale of Rs.16,400/- - Rs.49,870/-. He is due to retire from service on attaining the age of superannuation on 31-08-2039.

That Sri Makam Naga Pullaiah, Junior Assistant while working as Assistant Commercial Tax Officer of Commercial Taxes Boarder Check Post, Panchalingala, Kurnool exhibited gross dereliction of duties by

1) Collecting illegal & unauthorized amount of Rs.3,170/- as mamools from the Drivers/Cleaners of the lorries and trucks carrying goods/ consignment passing through the Commercial Taxes Check Post, Panchalingala, Kurnool, which was seized during the Surprise Check conducted on the i/n of 03/04-06-2016.

On 03/04-06-2016, a Surprise Check was conducted by the Deputy Superintendent of Police, Anti Corruption Bureau, Kurnool Range, Kurnool along with his staff in the presence of the mediators on Commercial Taxes Boarder Check Post, Panchalingala, Kurnool from 21.00 hours on 03-06-2016 to 03.30 hours on 04-06-2016. During the Surprise Check, it is found that, the staff of the Commercial Tax Boarder Check Post were collecting illegal and unauthorized amounts from Drivers/Cleaners of vehicles passing through the Commercial Taxes Boarder Check post, Panchalingala Kurnool.

Facts and Evidences in respect of Charge:

During the surprise check, it is found that Sri D.Hussain Peera, Deputy Commercial Tax Officer/Administrative Officer was present along with Sri B.Sreedhar, Assistant Commercial Tax Officer in the Commercial Taxes Border Check post, Panchalingala, Kurnool and collecting mamools from the Drivers/Cleaners of the lorries passing through the check post with the help of staff of the Commercial Taxes boarder check post. When the Deputy Superintendent of Police, Anti Corruption Bureau got searched persons of all the staff of the Commercial Tax Check post, excess amount of Rs.170/- was found with Sri M.Naga Pullaiah, Junior Assistant and a separate bunch of Rs.3000/- was found in the right side pant pocket of Sri P.Sathyanarayana, Office Sub-ordinate. In respect of the excess cash of Rs.170/- found with Sri M.Naga Pullaiah, Junior Assistant, as he did not give reasonable and satisfactory explanation and on questioning Sri P.Sathyanarayana regarding possession of Rs.3000/- as a separate bunch in his right side pant pocket, as he also did not give any satisfactory explanation and kept mum, it was construed to have been illegally collected amount from lorry drivers/cleaners of the lorries passing through the Check Post, the Deputy Superintendent of Police, Anti Corruption Bureau seized the above said cash of Rs.3,170/- in the presence of the mediators for further course of action.

The facts and material so gathered revealed that the Government Servant, Sri Makam Naga Pullaiah, Junior Assistant, Commercial Taxes Boarder Check Post, Panchalingala, Kurnool District committed the grave misconduct.

Thus Sri Makam Naga Pullaiah, Junior Assistant by his above mentioned acts exhibited lack of Integrity, Devotion to duty and Conduct unbecoming of a Government Servant and thereby contravened Rules 3(1) and 3(2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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The Government Servant had therefore rendered himself liable for regular departmental action for major penalty.

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S) (FAC)

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES

1. Sri Mangamuri Bala Krishnudu, Age:43 years S/o Sri M.Madduleti, Occ: Asst. Registrar, O/o Dist. Co-operative Audit Officer, Krishnanagar, Kurnool R/o H.No.87-617-3, Gaffoor Nagar, Kurnool Town.

2. Sri Nallamala Lakshmi Narayana, age 32 yrs, S/o N. Sivaiah, Occ:Junior Inspector, O/o Dist. Co-operative Audit Officer, Krishnanagar, Kurnool, R/o H.No.76/100-3-5-E-1-1, Geetha nagar, Bellary Chowrasta, Kurnool town.

3. Sri M. Mahaboob Basha, Deputy Supdt of Police, ACB, Kurnool Range, Kurnool.

4. Sri G. Seetharama Rao, Inspector of Police, ACB, Kurnool Range, Kurnool.

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SECTION OFFICER

ANNXURE-IV

List of Documents;-

1. Surprise Check Proceedings, dated 03/04-06-2016 drafted in the Commercial Taxes Boarder Check Post, Panchaligala, Kurnool, Kurnool District.
2. Cash of Rs. 170/- and Personal Cash Register.
3. Seized cash of Rs.3000/-.

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